



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

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**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

June 18, 2001

Re: Installation of Measuring Devices – Diversions above Mackay Reservoir

Dear Water User:

The records of the Department and Water District 34, Big Lost River, indicate that you are a water right holder who diverts water from the Big Lost River, Parsons Creek and/or the Back Channel above the Mackay Reservoir. Attached to this letter is a copy of correspondence from the Big Lost River Irrigation District requesting that the Idaho Department of Water Resources (IDWR or department) enforce the installation and use of measuring devices on all diversions above the Mackay Reservoir. Also attached to this letter is a copy of a portion of the IDWR Rules Governing Distribution of Water in Water District 34, The Big Lost River Basin, pertaining to measuring devices and controlling works. The Water District 34 distribution rules have been in place since 1993.

Last month, the Snake River Basin Adjudication presiding judge, Judge Burdick, signed an Order of Partial Decree for General Provisions in Administrative Basin 34. These provisions were adopted by the court pursuant to a settlement agreement among water users both above and below the reservoir who had filed objections to the department's original recommended provisions. The provisions retain the general conditions from the prior Big Lost River water rights decree regarding unified and separate administration of the river during specific ranges of flow measured at the Howell gage. However, the new provisions contain some modification of these flow ranges as well as a revision concerning the implementation of rotation credit below the reservoir. These revisions have raised or renewed questions concerning the adequacy and/or need for measuring devices on all diversions in Basin 34. There is some particular concern at this time regarding those diversions above the reservoir that may have no measuring devices and/or controlling works.

The purpose of this letter is to advise all water right holders and users identified on Attachment A of this letter that the department is considering enforcement of headgate and measuring device requirements this season for all diversions from the Big Lost River, Parsons Creek and the Back Channel.

The department is aware of concerns regarding problems associated with installing adequate measuring devices and headgates in this area of the Big Lost River. In fact, Rule 35.05 of the attached Water District 34 Distribution Rules provides discretionary authority for the Director of IDWR to exempt certain diversions from general measurement and headgate requirements. Additionally, the department is aware that some diversions in the area are suited only for diversion of high water or junior priority rights and thus may be off for the remainder of this year. We are also aware of concerns about high water washouts and potential for extensive annual maintenance of headgates and measuring structures. Given these established rules and concerns, the department and Water District 34 watermaster will agree to arrange on-site

meetings and inspections of any diversions from the above referenced sources. IDWR will try to make staff available in the area over the next several weeks. The objective of such meetings and inspections would be to address the following items or issues:

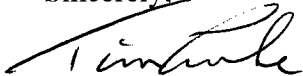
- Consider on a case by case basis potential exemptions pursuant to Rule 35.05
- Consider, on a case by case basis, the time frame in which to comply with any subsequent orders from IDWR, or establish compliance date until next spring if no further use of water is possible this year
- Assist users in measurement options or considerations
- Complete field inventory of diversions in the area that have not yet been completed by IDWR and water district staff.

Some of the water right holders listed on Attachment A have diversions from the Big Lost River above the Chilly Bridge. These particular diversions are not subject to exemption provisions under Rule 35.05. As a result, IDWR will likely send orders to owners of these diversions requesting that headgates and measuring devices be installed this year. The department anticipates that these diversions can be brought under compliance this season unless the diversions or rights delivered to these diversions are off for the rest of the year, or unless there are some other unique circumstances that may prevent early compliance. Users above Chilly Bridge should contact the Water District watermaster or IDWR directly to discuss particular concerns and/or to arrange on site inspections.

Finally, it should be noted that the department issued orders for measuring devices and headgates on Warm Springs Creek last year. As a result, Warm Springs Creek diversions are not subject to this correspondence. Based on discussions with the watermaster, it is the department's understanding that the diversions on Warm Springs Creek are in compliance with previous orders. Likewise, other diversions on the river above Chilly Bridge are omitted if adequate measuring devices and headgates are already in place.

Please contact me directly at 327-7864 or Doug Rosenkrance at 588-3137 if you have questions or need assistance regarding this matter.

Sincerely,



Tim Luke  
Manager, Water Distribution Section

Enclosure

Cc: Doug Rosenkrance, Watermaster  
Todd Perkes, Chairman, Big Lost River Irrigation District  
IDWR Eastern Region  
Dave Tuthill, IDWR Adjudication Bureau Chief  
Susan Hamlin, Deputy Attorney General

CERTIFIED MAIL

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1301 North Orchard Street, P.O. Box 83720  
Boise, Idaho 83720-0098

Return Service Requested



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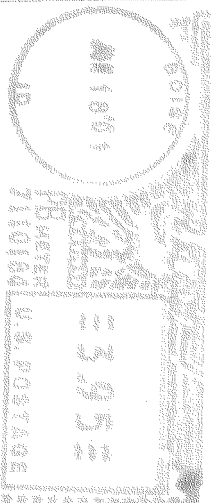
NOT DELIVERABLE  
AS ADDRESSED,  
UNABLE TO FORWARD

CHRIS ISOM  
GENERAL DELIVERY  
MACKAY ID 83251

RECEIVED JUN 2001

JUL - 9 2001

Department of Water Resources



Name \_\_\_\_\_  
1st Notice 6-20  
2nd Notice 6-25  
Return 07-05

17-13-01 Spoke to Shauna @ Dist.  
She's checked & can't find  
address for him.

F.I.F.  
00834, 2001